

# **HOUSE . . . . . No. 4905**

Section 56 contained in the engrossed Bill making appropriations for the fiscal year 2005 (see House, No. 4850), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment F of House, No. 4901). June 28, 2004.

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## ***The Commonwealth of Massachusetts***

In the Year Two Thousand Four

### **An Act establishing a capital projects and maintenance fund.**

***Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to establish a capital projects and maintenance fund, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1 . Chapter 29 is hereby amended by inserting after section 2MMM the following section:-

Section 2NNN. There shall be established and set up on the books of the commonwealth a separate fund known as the State Mental Health Facilities Disposition Fund to be expended, subject to appropriation, by the department of mental health.

Notwithstanding section 548 of chapter 28 of the acts of 2003, the fund shall consist of 25 per cent of monies derived from the sale, lease, sublease, granting of easements or other conveyances related to any state mental health facility, excluding the former Medfield state hospital parcels and other facilities for which a reuse plan has been developed, declared to be a surplus by the division of capital asset management and maintenance. Monies deposited into the fund shall be expended exclusively by the department for one-time improvements to decent, safe, sanitary and supported housing for individuals who are clients of the department of mental health. The books and records of the State Mental Health Facilities Disposition Fund shall be subject to a biennial audit by the state auditor. No expenditure from said fund shall cause said fund to be in deficiency at the close of a fiscal year.

SECTION 2. This act shall take effect as of July 1, 2004.